

SUPREME COURT OF WISCONSIN

OFFICE OF LAWYER REGULATION

Public Reprimand with Consent

Attorney Leroy Jones

04-OLR-1

On July 17, 2002, M.M. retained Attorney Leroy Jones to defend him on criminal charges stemming from an altercation M.M. had with correctional officers while he was incarcerated. At the time, M.M. was represented by a public defender but expressed dissatisfaction with the representation. M.M. paid Atty. Jones \$1,500.00.

A trial was set for September 4, 2002. Atty. Jones was scheduled to be out of the state on that date. He told M.M. he would attempt to obtain an adjournment but that if he were unable to do so, Atty. Jones would be unable to represent M.M. On July 22, 2002, Atty. Jones wrote to the district attorney's office and informed the office that he had been retained and that he was requesting an adjournment. At that time, Atty. Jones did not send a Notice of Retainer or a Request for Adjournment to the court.

Sometime after sending the letter, Atty. Jones spoke with someone in the district attorney's office and was told that the district attorney would oppose any request for an adjournment, and the judge would likely not grant one, because the trial had already been significantly delayed and witnesses had already been subpoenaed. After this conversation, Atty. Jones informed M.M. that he would try to get an adjournment but he was almost certain he would be unable to do so.

Atty. Jones did no trial preparation and went out of state as planned. Without his knowledge, his staff sent a Notice of Retainer and Request for Adjournment to the court on the eve of the trial. Atty. Jones had not informed M.M. that he had not previously filed these documents. Because he had not been removed from the case, M.M.'s public defender had prepared for the trial and represented M.M. at the trial.

After M.M. was convicted and sentenced, his girlfriend spoke with Atty. Jones about representing M.M. in his appeal. Atty. Jones accepted an additional \$400.00 from M.M.'s

girlfriend but admittedly did no work on the appeal. He also failed to respond to M.M.'s inquiries regarding the status of his appeal. Eventually, a public defender filed an appeal on M.M.'s behalf.

During his initial meeting with Atty. Jones, M.M. had also discussed bringing a civil action against the correctional officers involved in the altercation. Atty. Jones informed M.M. that he did not believe he would be successful but agreed to look into the matter. Atty. Jones admits that he did no work on the matter, that he should have at least reviewed the incident report, and that he failed to inform M.M. that he would not be pursuing the matter on his behalf, despite at least one inquiry by M.M. as to the status of the matter.

After the filing of this grievance by M.M., Atty. Jones refunded M.M. and his girlfriend the entire \$1,900.00.

By failing to timely file a Notice of Retainer and Request for Adjournment with the court with regards to M.M.'s criminal matter, Atty. Jones failed to act with reasonable diligence and promptness in representing a client in violation of SCR 20:1.3. By failing to inform M.M. that he had not obtained an adjournment of his trial and, therefore, would be unable to represent him, Atty. Jones failed to keep a client reasonably informed about the status of a matter in violation of SCR 20:1.4(a).

By failing to take any steps to advance M.M.'s appeal, Atty. Jones failed to act with reasonable diligence and promptness in representing a client in violation of SCR 20:1.3. By failing to respond to M.M.'s inquiries regarding his appeal, Atty. Jones failed to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information in violation of SCR 20:1.4(a).

By failing to take any steps to advance his civil matter, Atty. Jones failed to act with reasonable diligence and promptness in violation of SCR 20:1.3. By failing to inform M.M. that he would not be pursuing the civil matter on his behalf and by failing to respond to M.M.'s inquiry regarding his civil matter, Atty. Jones failed to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information in violation of SCR 20:1.4(a).

Atty. Jones was publicly reprimanded on July 2, 1984, June 26, 1990, May 30, 1991 and February 4, 1998. His license was suspended for 60 days effective May 6, 1991. In 1992, his license was again suspended for 60 days, retroactive to May 6, 1991. A third 60-day suspension

was effective June 21, 1993. His misconduct in these prior matters consisted of lack of diligence, failure to communicate, mishandling of trust accounts, failure to cooperate, and making a false statement of fact during a disciplinary proceeding.

In accordance with SCR 22.09(3), Attorney Leroy Jones is hereby publicly reprimanded.

Dated this 19th day of February, 2004.

SUPREME COURT OF WISCONSIN

/s/
DENNIS J. FLYNN, REFEREE